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10/784,776	02/24/2004	Mitsuaki Fukuda	042090	8344
38834 7590 05/05/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/784,776

Applicant(s)

FUKUDA ET AL.

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10-12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's argument filed on 02/03/2010 with respect to claims 1, 2, 10 - 12, and 16 - 22 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 10, 11, 16 - 18, and 20 - 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sukegawa et al. (US PgPub No. 2003/0039380).

Regarding **claim 1**, Sukegawa et al. teaches a shooting device (figures 20, 51, 53, and 54 item 101), comprising:

a shooting unit which shoots an object (figures 20, 51, 53, and 54 item 101, also figures 24 - 26 and 28 - 50), a position of the object being movable (paragraphs 0235 – 0253; person's face moves);

an expected shooting state storing unit which stores expected shooting state information which represents an expected position of the object (paragraph 0250; information indicating face conditions required also figures 24 - 26 and 28 - 50);

a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063), said guide determining unit determines whether the object should be moved close to said shooting unit or away from said shooting unit by comparing a size of the object in the image shot by said shooting unit and a size of the object represented by the expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063);

a guide instruction outputting unit which instructs how the object is to be guided to the expected position based on a result of the determination made by said guide determining unit (figures 24 - 26 and 28 - 50; also paragraphs 0243 - 0063), said guide instruction outputting unit outputs a guidance instruction for moving the object close to said shooting unit or moving the object away from said shooting unit, based on determination by said guide determining unit (paragraphs 0243 - 0063; "Please move your face a little away from the camera" or "Please move your face a little closer to the camera", or figures 41 - 50 or by displaying similar contents on the screen); and

an image outputting unit which outputs the image shot by said shooting unit (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063).

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein: said guide determining unit determines a direction where the object is to be guided (figures 24 - 26 and 28 - 50; also paragraphs 0243 - 0063).

Regarding **claim 10**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein said image outputting unit outputs the image shot by said shooting unit if said guide determining unit determines that the object is not required to be guided (figures 24 and 41).

Regarding **claim 11**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein: the object possesses a certain pattern (figure 24 and figures 28 - 50); an amount of a pattern to be shot by said shooting unit is defined as the expected shooting state information (figure 24); and said guide determining unit determines that the object is not required to be guided, if the amount of the pattern, which is detected from the image of the object shot by said shooting unit, is larger than the amount of the pattern, which is defined as the expected shooting state information (figures 24 - 27).

Regarding **claim 16**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al.

teaches wherein said guide instruction outputting unit comprises a display unit, and displays a character string corresponding to the result of the determination made by said guide determining unit, on said display unit (paragraph 0253; a guidance "Move closer to the camera" is displayed on the display 104; and paragraph 0262).

Regarding **claim 17**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein said guide instruction outputting unit comprises a display unit, and displays a graphic or a symbol corresponding to the result of the determination made by said guide determining unit, on said display unit (figures 42 – 50; and paragraph 0262).

Regarding **claim 18**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein said guide instruction outputting unit outputs voice guidance corresponding to the result of the determination made by said guide determining unit (paragraphs 0243, 0255, and 0262; voice guidance).

Regarding **claim 20**, Sukegawa et al. teaches a method guiding an object to be shot with a shooting device (figures 20, 51, 53, and 54 item 101), comprising:

shooting an object (figures 20, 51, 53, and 54 item 101, also figures 24 - 26 and 28 - 50), a position of the object being movable (paragraphs 0235 – 0253; person's face moves), with a shooting device (figures 20, 51, 53, and 54 item 101);

determining how the object is to be guided based on expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063), which represents an expected position of the object, and an image shot by the shooting device (paragraph 0250; information indicating face conditions required also figures 24 - 26 and 28 - 50), said determining including determining whether the object should be moved close to the shooting device or away from the shooting device by comparing a size of the object in the image shot by the shooting device and a size of the object represented by the expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063); and

outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determining (figures 24 - 26 and 28 - 50; also paragraphs 0243 - 0063), said outputting including outputting a guidance instruction for moving the object close to the shooting device or moving the object away from the shooting device, based on a result of said comparing (paragraphs 0243 - 0063; "Please move your face a little away from the camera" or "Please move your face a little closer to the camera", or figures 41 - 50 or by displaying similar contents on the screen).

Regarding **claim 21**, Sukegawa et al. teaches a method of shooting an object with a shooting device (figures 20, 51, 53, and 54 item 101), comprising:

a first step of shooting an object (figures 20, 51, 53, and 54 item 101, also figures 24 - 26 and 28 - 50), a position of the object being movable (paragraphs 0235 - 0253; person's face moves), with a shooting device (figures 20, 51, 53, and 54 item 101);

a second step of determining how the object is to be guided based on expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063) which represents an expected position of the object, and an image shot by the shooting device (paragraph 0250; information indicating face conditions required also figures 24 - 26 and 28 - 50), said second step of determining including determining whether the object should be moved close to the shooting device or away from the shooting device by comparing a size of the object in the image shot by the shooting device and a size of the object represented by the expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063);

a third step of outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determination (figures 24 - 26 and 28 - 50; also paragraphs 0243 - 0063), said third step of outputting a guide instruction including outputting a guidance instruction for moving the object close to the shooting unit or moving the object away from the shooting unit, based on a result of said comparing (paragraphs 0243 - 0063; "Please move your face a little away from the camera" or "Please move your face a little closer to the camera", or figures 41 - 50 or by displaying similar contents on the screen); and

a fourth step of repeating the first through the third steps until it is determined that the object is not required to be guided (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063).

Regarding **claim 22**, Sukegawa et al. teaches a shooting device (figures 20, 51, 53, and 54 item 101), comprising:

shooting means for shooting an object (figures 20, 51, 53, and 54 item 101, also figures 24 - 26 and 28 - 50), a position of the object being movable (paragraphs 0235 - 0253; person's face moves);

storing means for storing expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063) which represents an expected position of the object (paragraph 0250; information indicating face conditions required also figures 24 - 26 and 28 - 50);

guide determining means for determining how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting means, said guide determining means determines whether the object should be moved close to said shooting means or away from said shooting means by comparing a size of the object in the image shot by said shooting means and a size of the object represented by the expected shooting state information (figures 24 - 26 and 28 - 50 also paragraphs 0243 - 0063);

guide instruction outputting means for instructing how the object is to be guided to the expected position based on a result of the determination made by said guide determining means (figures 24 - 26 and 28 - 50; also paragraphs 0243 - 0063), said guide instruction outputting means outputs a guidance instruction for moving the object close to said shooting means or moving the object away from said shooting means based on the determination by said guide determining means (paragraphs 0243 - 0063;

"Please move your face a little away from the camera" or "Please move your face a little closer to the camera", or figures 41 – 50 or by displaying similar contents on the screen); and image outputting means for outputting the image shot by said shooting means (figures 24 - 26 and 28 – 50 also paragraphs 0243 - 0063).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sukegawa et al. (US PgPub No. 2003/0039380) in view of Hoshuyama et al. (US patent NO. 6,906,744).

Regarding **claim 12**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim. Additionally, Sukegawa et al. teaches wherein said guide determining unit determines a direction where the object is to be guided based on a result of detection made by said detecting unit (figures 24 - 26 and 28 – 50 also paragraphs 0243 - 0063).

However, Sukegawa et al. fails to disclose a detecting unit which detects a proportion of area of the image in a particular color to a whole area of the image shot by said shooting unit.

Hoshuyama et al., on the other hand teaches a detecting unit which detects a proportion of area of the image in a particular color to a whole area of the image shot by said shooting unit.

More specifically, Hoshuyama et al. teaches a detecting unit which detects a proportion of area of the image in a particular color to a whole area of the image shot by said shooting unit (column 10 line 52 – column 12 line 29 detect skin color in a specific area).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hoshuyama et al. with the teachings of Sukegawa et al. because in column 1 lines 58 – 62 Hoshuyama et al. teaches that using the invention will reduce the occurrence of fading/tinting hence improving the image quality also the using Hoshuyama et al.'s invention will give Sukegawa et al.'s invention an improved method of checking for skin color hence improving the recognition process.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sukegawa et al. (US PgPub No. 2003/0039380) in view of Shimazaki et al. (US PgPub. 2002/0198634).

Regarding **claim 19**, as mentioned above in the discussion of claim 1, Sukegawa et al. teaches all of the limitations of the parent claim.

Additionally, Sukegawa et al. teaches a guide instruction-outputting unit generates sound corresponding to the result of the determination made by said guide determining unit (paragraphs 0243, 0255, and 0262; voice guidance).

However, Sukegawa et al. fails to teach that said sound is stereophonic sound. Shimazaki et al., on the other hand teaches that said sound is stereophonic sound.

More specifically, Shimazaki et al. teaches said sound is stereophonic sound (paragraph 0029).

Therefor, one of ordinary skill in the art at the time the invention was made would have found it obvious to use the stereophonic sound of Shimazaki et al. in the system in Sukegawa et al. invention of to create a pleasant and natural impression of sound heard from various directions, as in natural hearing to easily guide the person to the correct position.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/
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04/30/2010
Patent Examiner
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